THE BOMBAY MUNICIPAL SERVANTS ACT, 1890.

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SCHEDULE.

BOMBAY ACT No. V OF 1890.[1]

[THE BOMBAY MUNICIPAL SERVANTS ACT, 1890.]

[15th January 1891.]

Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 8 of 1950.
Adapted and modified by the Adaptation of Laws Order, 1950.

WHEREAS it is expedient to make better provision in [2][Greater Bombay] and elsewhere for the enforcement of regulations regarding certain classes of municipal servants whose functions intimately concern the public health or safety, and regarding the duties, withdrawal from duty, and leave of such servants; It is enacted as follows :—

Short title. Commencement and extent.

1. (*1*) This Act may be cited as the Bombay Municipal Servants Act.

(*2*) It shall come into force in [2][Greater Bombay] at once.

(*3*) The [3][[4][State] Government] may, by [5]notification, extend all or any of its provisions, on and after a day not less than two months after the date of such notification, to any municipal district in the Bombay Presidency.

[6][It] may also cancel or vary such notification consistently with the provisions of this Act.

Interpretation.

2. (*1*) Unless there be something repugnant in the subject or context, all words used in this Act shall have respectively the meanings assigned to them in the [7]City of Bombay Municipal Act, 1888.

Bom. III of 1888.

Act to be read with Municipal Acts in force.

(*2*) This Act shall, in so far as it [8][affects Greater Bombay], be read with the [7]City of Bombay Municipal Act, 1888, and in so far as it affects any other part of the Presidency of Bombay, shall be read with the [9]Bombay District Municipal Acts, 1873 and 1884.

Bom. III of 1888.

Conditions as to resignation, withdrawal and absence from specified duties.

3. (*1*) Any municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties specified in the Schedule, who—

(*a*) without the written permission, in [2][Greater Bombay] of the Commissioner or a person by him deputed in that behalf, and elsewhere of the officer authorized by the Municipality to give such permission, resigns his office without at least two months' notice given in writing to the Commissioner or person by him deputed, or to such officer, or withdraws or absents himself from the duties thereof, except in case of illness or accident disqualifying him for the discharge of such duties or other reason accepted as sufficient by such Commissioner or person by him deputed, or such officer; or

Neglect or breach of duty.

(*b*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality, it is his duty to observe or obey; or

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1890, Part V, p. 60; for Report of Select Committee, *see ibid*, 1890, p. 103; and for Proceedings in Council, *see ibid*, 1890, pp. 77, 109 and 127.

[2] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] For notification extending the provisions of the Act to certain municipal districts, *see* Bombay Rules and Orders.

[6] The word "It" was substituted for the word "He" by the Adaptation of Indian Laws Order in Council.

[7] *Supra.*

[8] These words were substituted for the words "affects the City of Bombay" by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.

[9] *See* now the Bombay District Municipal Act, 1901, which repealed these Acts.

(*c*) who abets an offence under clause (*a*) or clause (*b*);

shall be liable to forfeit his pay accruing due under a current term of service, and arrears of pay due for a term of not more than one month, and in addition to such forfeiture and any other penalty which may be imposed on him under any enactment or rule for the time being in force, shall be liable, on conviction, by a Magistrate, to imprisonment which may extend to three months or to fine, or to both imprisonment and fine :

Provisos.

Provided that if any such officer, servant or other person produces a certificate signed by the medical officer appointed in the City of Bombay by the Commissioner, and elsewhere by the Municipality in this behalf, of a present incapacity to perform his duties which will probably endure for a month or more, the necessary permission to resign shall forthwith be granted :

Provided further that no fee shall be taken from a person on account of such certificate as aforesaid or of examination in connection therewith.

(*2*) The provisions of clauses (*a*) and (*b*) of sub-section (*1*) shall not apply to persons at the date of the passing of this Act in the employment of the Corporation or of a Municipality until the lapse of two months from such date.

Power to dispense with two months' notice or with services after tender of resignation.

4. (*1*) The Commissioner or officer authorized by the Municipality under section 3 (*a*), may,—

(*a*) at his discretion, accept any resignation to take effect at a time less than two months from the date thereof, or

(*b*) at any time after any municipal officer, servant or other person employed as aforesaid, has tendered his resignation, dispense with the services of such officer, servant or person.

(*2*) Any such officer, servant or other person whose services are dispensed with under sub-section (*1*), clause (*b*), shall, subject to any agreement in writing previously made between him and the Corporation or Municipality or its representative, be entitled, in addition to any wages which he may have earned at the date of tendering his resignation, to fifteen days' wages or to wages for such period longer than fifteen days, as his services may, after such tender of resignation, have been retained by the officer authorized in that behalf.

Power of [2][State] Government to add to schedule.

5. (*1*) It shall be lawful for the [1][[2][State] Government] on the request of the Corporation or of a Municipality from time to time, by notification, to declare that from a date to be fixed therein, which shall not be less than two months from the date thereof, any specified class of duties which concern the public health or safety, shall be deemed to be included in the Schedule to this Act, and from the date fixed on that behalf in such notification the provisions of section 3 shall apply to all persons employed by, or on behalf of, the Corporation or a Municipality to perform any duty of the class so specified in such notification.

(*2*) The [1][[2][State] Government] may withdraw such notification and may from time to time cancel or vary the same consistently with the preceding clause and with the other provisions of this Act, and may also limit the operation of any notification to any Municipality or place wherein this Act is in operation.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Copies of Act to be supplied at nominal price to employees.

6. Every person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties set forth in the Schedule, shall, on entering the service, and every person now so employed shall forthwith, receive gratis, and shall at any time thereafter, on payment of one anna, [1][be entitled to receive in Greater Bombay] from the Municipal Commissioner for the City of Bombay and elsewhere from the President of a municipality, a copy of this Act and of the notifications issued thereunder, applicable to such person or to the class to which he belongs, in the English, Marathi, Gujarathi, Canarese or Sindhi language.

SCHEDULE.

(*Vide* section 3.)

Duties which render the provisions of section 3 applicable to the persons employed by, or on behalf of, the Corporation or a Municipality to perform them.

Class I.—Duties connected with the public health :

(*a*) scavenging or cleansing streets or premises,

(*b*) cleansing or flushing drains,

(*c*) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals, or cesspools,

(*d*) removing carcasses,

(*e*) preventing nuisances generally.

Class II.—Duties connected with the public safety :

Duties of—

(*a*) members of a fire-brigade,

(*b*) persons, however designated, employed on, or in connection with, the maintenance or service of any municipal water-works, drain, pumping station or fire hydrant, including—

(1) inspectors,
(2) sub-inspectors,
(3) foremen,
(4) mechanics,
(5) drivers,
(6) watchmen,
(7) labourers,
(8) workmen,

(*c*) lamp-lighters.

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[1] These words were substituted for the words "be entitled to receive in the City of Bombay" by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.